IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

	ATTY. DOCKET NO.:	**JP920020109US1**
IN RE APPLICATION OF:	§	
	§	
HIROSHI NOMIYAMA	§	**EXAMINER: HELENE R. ROSE**
	§	
SERIAL NO.: 10/621,474	§	**CONFIRMATION NO.: 2462**
	§	
FILED: JULY 17, 2003	§	**ART UNIT: 2163**
	§	
FOR: INFORMATION SEARCH SYSTEM, INFORMATION SEARCH METHOD, HTML DOCUMENT STRUCTURE ANALYZING METHOD, AND PROGRAM PRODUCT	§	

APPEAL BRIEF UNDER 37 C.F.R. 41.37

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Brief is submitted in support of the Appeal of the Examiner's final rejection of Claims 15-17 and 21-24 in the above-identified application. A Notice of Appeal was filed in this case on October 3, 2007 and received in the United States Patent and Trademark Office on October 3, 2007. A TWO MONTH Extension of Time to February 3, 2008 is hereby requested for the present appeal brief. Please charge the requisite fee for a TWO MONTH Extension of Time to the **DILLON & YUDELL, LLP DEPOSIT ACCOUNT No. 50-3083**.

Please charge the fee of $500.00 due under 37 C.F.R. §1.17(c) for filing the brief, as well as any additional required fees beyond the Extension of Time fee described above, to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0461**.

REAL PARTY IN INTEREST

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application as evidenced by the Assignment set forth at reel 014612, frame 0595.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, the Appellants' legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 15-17 and 21-24 stand finally rejected by the Examiner as noted in the Final Office Action dated July 30, 2007. The rejection of Claims 15-17 and 21-24 under 35 U.S.C. § 103(a) is appealed.

STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the July 30, 2007 Final Office Action from which this Appeal is filed.

SUMMARY OF THE CLAIMED SUBJECT MATTER

As described in one embodiment in exemplary **Claims 15 and 21**, a method and computer-readable medium (supported on page 9, lines 3-12 of the originally filed specification) comprises:

reading an HTML document of a web page as an analyzing object (supported on page 22, lines 5-6);

conducting a temporary block analysis based on a description of HTML tags of the HTML document (supported on page 22, lines 6-7);

using the HTML tags to temporarily divide the HTML document into blocks (supported on page 22, lines 10-11);

identifying unnecessary information elements in the HTML document (supported on page 24, lines 4-5), wherein the unnecessary information elements include:

plural information elements that include an OBJECT_IMAGE having a same Uniform Resource Locator (URL), wherein the OBJECT_IMAGE describes a type of media used to display the HTML document (supported on page 20, line 11 and page 24, lines 7-9),

a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency (supported on page 25, lines 12-16),

multiple anchors having a same title (supported on page 24, lines 7-8),

image tags that only perform a role of punctuation for text in the HTML document (supported on page 24, line 10), and

multiple text blocks having a same description (supported on page 24, lines 8-9);

defining any block in the HTML document that is deemed to be meaningless as an OBJECT_DELIMITER, wherein a block is deemed to be meaningless if that block contains only said unnecessary information elements and at least one anchor (supported on page 24, lines 18-20); and

crawling only anchors found in blocks that have not been defined as OBJECT_DELIMITERs (supported on page 26, lines 9-10).

As described in **Claims 18 and 22**, in one embodiment a block of text is deemed to contain unnecessary information if that block of text is less than 12 bytes, as supported on page 25, line 14 of the originally filed specification.

As described in **Claims 19 and 23**, in one embodiment a short block of text is deemed insignificant if it occurs more than ten times, as supported on page 25, line 18 of the originally filed specification.

As described in **Claim 24**, in one embodiment the method claimed comprises:

dividing an HTML document into blocks (supported on page 22, lines 10-11 of the originally filed specification);

identifying unnecessary information elements in the HTML document (supported on page

24, lines 4-5), wherein the unnecessary information elements include:

a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency (supported on page 25, lines 12-16),

multiple anchors having a same title (supported on page 24, lines 7-8),

image tags that only perform a role of punctuation for text in the HTML document (supported on page 24, line 10), and

multiple text blocks having a same description (supported on page 24, lines 8-9);

defining any block in the HTML document that is deemed to be meaningless, wherein a block is deemed to be meaningless if that block contains only the unnecessary information elements and at least one anchor (supported on page 24, lines 18-20); and

crawling only anchors found in blocks that have not been deemed meaningless due to containing only the unnecessary information elements (supported on page 26, lines 9-10).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The Examiner's rejection of Claims 15 and 21 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

B. The Examiner's rejection of Claims 16 and 22 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

C. The Examiner's rejection of Claims 17 and 23 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

D. The Examiner's rejection of Claim 24 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

ARGUMENTS

A. The Examiner's rejection of Claims 15 and 21 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

1. The Examiner's rejection of Claim 15 and 21 is improper since the cited prior art does not teach or suggest all of the claimed limitations of the present invention.

A combination of the cited art does not teach or suggest "identifying unnecessary information elements in the HTML document, wherein the unnecessary information elements include...a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency." That is, unnecessary information includes multiple repetitions of a same short block of text.

The Examiner cites *Wyler* as teaching these limitations at col. 31, line 65 to col. 32, line 7, and col. 32, lines 47-52, which state:

> The "logical location" of an object which is interiorly disposed relative to the base object is the maximum value e.g. 100. The "logical location" of any other object is the distance, on the webpage, of that object from the base object."
>
> "Classifying one or more objects as cardinal: As described, a base object is selected which is the largest object on the webpage. If there is a tie, i.e. if the largest two or more objects are similar, to a predetermined extent, in size, then the object with the most words in it is typically deemed to be the base object."

These passages teach that the location of an object can be described as a distance to the largest object on a webpage. Appellants respectfully traverse the Examiner's position that this is equivalent to multiple short blocks of text being located on an HTML document too many times.

The Examiner also cites column 32, lines 53-57 of *Wyler* for teaching the feature of determining that a block of text is unnecessary if it is sufficiently short. This passage states:

> Preferably, if the base object is not very big, e.g. falls below a threshold defining the minimum size for a base object, then objects adjacent to the base object are combined with the base object to generate a "cardinal" of adequate size.

As defined in column 32, lines 29-34 of *Wyler*, a "cardinal" is an object that pertains to a main subject of the webpage. Thus, a small base object is combined with other objects to generate the cardinal object. In this context, it is clear that this small object is significant, since it must be used as part of the composition of the cardinal object. Therefore, this passage teaches away from the claimed feature of identifying unnecessary information elements in the HTML document.

The Examiner also cites column 15, lines 18-19 of *Wyler* for teaching that high-frequency objects are deemed to be irrelevant ("wherein the block of text appears in the HTML document more than a predetermined frequency"). The cited passage in *Wyler* is:

"3. Occurrence – the number of alphanumeric strings within a text object or table."

There is nothing in this passage to suggest that high-frequency objects are irrelevant, as presently claimed. Rather, the passage merely states that objects can be counted (with no suggestion of how this information may be relevant in determining what information is unnecessary).

Furthermore, a combination of the cited art does not teach or suggest "a block is deemed to be meaningless if that block contains only said unnecessary information elements and at least one anchor." The Examiner responds that *Wyler* teaches this feature at col. 12, lines 4-8, which states:

> In this level the application removes irrelevant information (images and data i.e. advertising banners, links to unrelated issues) from the webpage, and

> reorganizes the information into objects with categories in a file represent by the M2O script language.

In this passage, *Wyler* teaches that images such as advertising banners and links to other irrelevant pages can be purged from a webpage. However, there is no teaching or suggestion of "multiple short block of text being repeated" (as discussed above), "multiple anchors having a same title," "image tags that only perform a role of punctuation," and "text block having a same description" as being requisite components for defining a meaningless block in an HTML document. Similarly, there is no teaching or suggestion that this meaningless block in the HTML document has "at least one anchor."

Furthermore, a combination of the cited art does not teach or suggest "crawling only anchors found in blocks that have not been defined as OBJECT_DELIMETERS" (i.e., only crawling anchors that are not meaningless). The Examiner cites col. 14, lines 39-44 of *Wyler* for this teaching. This passage states:

> Second, the application searches all the documents for words that fit into the Index category, and when finding such words, the application inserts an "index" command. From that point on, the webpages are called "documents" since they have no longer have properties of a webpage.

This passage states that a crawler ("application") searches all documents for key words ("that fit into the Index category"). There is no teaching or suggestion of crawling only anchors that are in blocks that have not been deemed to have unnecessary information elements (e.g., do not contain "plural information elements that include an OBJECT_IMAGE having a same Uniform Resource Locator (URL), wherein the OBJECT_IMAGE describes a type of media used to display the HTML document, a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency, multiple anchors having a same title, image tags that only perform a role of punctuation for text in the HTML document, and multiple text blocks having a same description.")

The Examiner also cites column 14, lines 15-25 of *Wyler*, which states:

> The insertion of the M2O script begins with scanning the entire webpage and parsing the contents into words related to the webpage commands and words related to the user-relevant information. Actually, it is a process of taking the additional information off the text itself. Some of the commands that are found may be relevant for formatting a document/webpage in a book-style format/webpage for devices with screen size and browser limitations. Some may be irrelevant (e.g. remarks, search engine keywords, etc.). The relevant commands that are found are translated into M2O script language.

The cited passage is irrelevant to the feature of "crawling only anchors found in blocks that have not been defined as OBJECT DELIMITERS," in which an OBJECT DELIMITER describes a block that only contains unnecessary information elements. That is, the cited passage only states that relevant commands may be translated into M2O script language (Markup to Object script language). This script conversion is unrelated to crawling, particularly to crawling anchors.

2. The Examiner's rejection of Claims 15 and 21 is improper since there is no motivation to combine features that may be taught in the cited prior art.

Even if the cited art were to be construed as teaching or suggesting all of the features found in the Claims 15 and 21, there is still no motivation provided in the cited art or in other known art to combine these features.

The proper rationales for arriving at a conclusion of obviousness, as suggested by the U.S. Supreme court in the case of KSR International Co. v. Teleflex, Inc, et al., 127 S. Ct. 1727 (2007), include the following tests for determining a motivation to combined elements from the prior art:

A. Combining prior art elements according to known methods to yield predictable results;

B. Simple substitution of one known element for another to obtain predictable results;

C. Use of a known technique to improve similar devices in a the same way;

D. Applying a known technique to a known device ready for improvement to yield predictable results;

E. "Obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

F. Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. (All emphasis added.)

The Examiner does not follow any of the *KSR* motivation to combine rationales; rather, the Examiner simply states that it "would have been obvious...to incorporate Wyler teachings into Mantha system...as suggested by Wyler [column 12, lines 1-2], in order to recognize irrelevant data." The cited passage from Wyler is:

> "The Second level: Parsing, Analyzing and Converting (into M2O Script Language) the Content"

Nothing in the cited passage (which is merely a passage heading) suggests combining the cited teachings to recognize irrelevant data, particularly in light of the guidance provided by *KSR*.

For reasons cited above, the rejection of Claims 15 and 21 is improper, and should be reversed.

B. The Examiner's rejection of Claims 16 and 22 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

The Examiner's rejection of Claim 16 and 22 is improper since there is no motivation to combine features that may be taught in the cited prior art.

Even if the cited art were to be construed as teaching or suggesting all of the features found in Claims 16 and 22, including the feature of establishing that text contains unnecessary information if it is shorter than "12 bytes," there is still no motivation to combine these features.

The proper rationales for arriving at a conclusion of obviousness utilized by *KSR* are described above, and are not reiterated here. The Examiner does not follow any of the *KSR* motivation to combine rationales; rather, the Examiner gives no rationale at all. Appellants believe that this silence is due to a *prima facie* lack of such motivation.

For reason stated, the rejection of Claim 16 and 22 is improper, and should be reversed.

C. The Examiner's rejection of Claims 17 and 23 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

The Examiner's rejection of Claim 17 and 23 is improper since there is no motivation to combine features that may be taught in the cited prior art.

Even if the cited art were to be construed as teaching or suggesting all of the features found in Claims 17 and 23, including the feature of establishing that short blocks of text contains unnecessary information if they occur more than "ten times," there is still no motivation to combine these features.

The proper rationales for arriving at a conclusion of obviousness utilized by *KSR* are described above, and are not reiterated here. The Examiner does not follow any of the *KSR* motivation to combine rationales; rather, the Examiner gives no rationale at all. Appellants believe that this silence is due to a *prima facie* lack of such motivation.

For reason stated, the rejection of Claim 17 and 23 is improper, and should be reversed.

D. The Examiner's rejection of Claim 24 under 35 USC 103(a) as being unpatentable over *Mantha, et al.* (U.S. Patent No. 6,163,779 – "*Mantha*") in view of *Wyler* (U.S. Patent No. 7,047,033 – "*Wyler*") is to be reviewed on Appeal.

1. The Examiner's rejection of Claim 24 is improper since the cited prior art does not teach or suggest all of the claimed limitations of the present invention.

A combination of the cited art does not teach or suggest "identifying unnecessary information elements in the HTML document, wherein the unnecessary information elements include...a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency." That is, unnecessary information includes multiple repetitions of a same short block of text.

The Examiner cites *Wyler* as teaching these limitations at col. 31, line 65 to col. 32, line 7, and col. 32, lines 47-52, which state:

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These passages teach that the location of an object can be described as a distance to the largest object on a webpage. Appellants respectfully traverse the Examiner's position that this is equivalent to multiple short blocks of text being located on an HTML document too many times.

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> Preferably, if the base object is not very big, e.g. falls below a threshold defining the minimum size for a base object, then objects adjacent to the base object are combined with the base object to generate a "cardinal" of adequate size.

As defined in column 32, lines 29-34 of *Wyler*, a "cardinal" is an object that pertains to a main subject of the webpage. Thus, a small base object is combined with other objects to generate the cardinal object. In this context, it is clear that this small object is significant, since it

must be used as part of the composition of the cardinal object. Therefore, this passage teaches away from the claimed feature of identifying unnecessary information elements in the HTML document.

The Examiner also cites column 15, lines 18-19 of *Wyler* for teaching that high-frequency objects are deemed to be irrelevant ("wherein the block of text appears in the HTML document more than a predetermined frequency"). The cited passage in *Wyler* is:

"3. Occurrence – the number of alphanumeric strings within a text object or table."

There is nothing in this passage to suggest that high-frequency objects are irrelevant, as presently claimed. Rather, the passage merely states that objects can be counted (with no suggestion of how this information may be relevant in determining what information is unnecessary).

Furthermore, a combination of the cited art does not teach or suggest "crawling only anchors found in blocks that have not been deemed meaningless due to containing only the unnecessary information elements." The Examiner cites col. 14, lines 39-44 of *Wyler* for this teaching. This passage states:

> Second, the application searches all the documents for words that fit into the Index category, and when finding such words, the application inserts an "index" command. From that point on, the webpages are called "documents" since they have no longer have properties of a webpage.

This passage states that a crawler ("application") searches all documents for key words ("that fit into the Index category"). There is no teaching or suggestion of crawling only anchors that are in blocks that have not been deemed to have unnecessary information elements.

The Examiner also cites column 14, lines 15-25 of *Wyler*, which states:

> The insertion of the M2O script begins with scanning the entire webpage and parsing the contents into words related to the webpage commands and words related to the user-relevant information. Actually, it is a process of taking the

> additional information off the text itself. Some of the commands that are found may be relevant for formatting a document/webpage in a book-style format/webpage for devices with screen size and browser limitations. Some may be irrelevant (e.g. remarks, search engine keywords, etc.). The relevant commands that are found are translated into M2O script language.

The cited passage is irrelevant to the feature of "crawling only anchors found in blocks that have not been deemed meaningless due to containing only the unnecessary information elements" (i.e., where the unnecessary information elements include "a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency, multiple anchors having a same title, image tags that only perform a role of punctuation for text in the HTML document, and multiple text blocks having a same description"). That is, the cited passage only states that relevant commands may be translated into M2O script language (Markup to Object script language). This script conversion is unrelated to crawling, particularly to crawling anchors.

2. The Examiner's rejection of Claim 24 is improper since there is no motivation to combine features that may be taught in the cited prior art.

Even if the cited art were to be construed as teaching or suggesting all of the features found in the Claims 24, there is still no motivation provided in the cited art or in other known art to combine these features.

The proper rationales for arriving at a conclusion of obviousness, as suggested by the U.S. Supreme court in the case of KSR International Co. v. Teleflex, Inc, et al., 127 S. Ct. 1727 (2007), include the following tests for determining a motivation to combined elements from the prior art:

A. Combining prior art elements according to known methods to yield predictable results;

B. Simple substitution of one known element for another to obtain predictable results;

C. Use of a known technique to improve similar devices in a the same way;

D. Applying a known technique to a known device ready for improvement to yield predictable results;

E. "Obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

F. Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. (All emphasis added.)

The Examiner does not follow any of the *KSR* motivation to combine rationales; rather, the Examiner simply states that it "would have been obvious...to incorporate Wyler teachings into Mantha system...as suggested by Wyler [column 12, lines 1-2], in order to recognize irrelevant data." The cited passage from Wyler is:

> "The Second level: Parsing, Analyzing and Converting (into M2O Script Language) the Content"

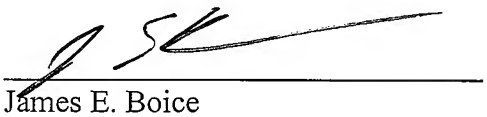
Nothing in the cited passage (which is merely a passage heading) suggests combining the cited teachings to recognize irrelevant data, particularly in light of the guidance provided by *KSR*.

For reasons cited above, the rejection of Claim 24 is improper, and should be reversed.

CONCLUSION

Appellants have pointed out with specificity the manifest error in the Examiner's rejections, and the claim language which renders the invention patentable over the various combinations of references. Appellants, therefore, respectfully request that this case be remanded to the Examiner with instructions to issue a Notice of Allowance for all pending claims.

Respectfully submitted,



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CLAIMS APPENDIX

1-14. (canceled)

15. A method comprising:

reading an HTML document of a web page as an analyzing object;

conducting a temporary block analysis based on a description of HTML tags of the HTML document;

using the HTML tags to temporarily divide the HTML document into blocks;

identifying unnecessary information elements in the HTML document, wherein the unnecessary information elements include:

plural information elements that include an OBJECT_IMAGE having a same Uniform Resource Locator (URL), wherein the OBJECT_IMAGE describes a type of media used to display the HTML document,

a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency,

multiple anchors having a same title,

image tags that only perform a role of punctuation for text in the HTML document, and

multiple text blocks having a same description;

defining any block in the HTML document that is deemed to be meaningless as an OBJECT_DELIMITER, wherein a block is deemed to be meaningless if that block contains only said unnecessary information elements and at least one anchor; and

crawling only anchors found in blocks that have not been defined as OBJECT_DELIMITERs.

16. The method of claim 15, wherein the maximum predetermined length is 12 bytes.

17. The method of claim 16, wherein the predetermined frequency is ten times.

18-20. (canceled)

21. A computer-readable medium encoded with a computer program, wherein the computer program, when executed, performs the steps of:

reading an HTML document of a web page as an analyzing object;

conducting a temporary block analysis based on a description of HTML tags of the HTML document;

using the HTML tags to temporarily divide the HTML document into blocks;

identifying unnecessary information elements in the HTML document, wherein the unnecessary information elements include:

plural information elements that include an OBJECT_IMAGE having a same Uniform Resource Locator (URL), wherein the OBJECT_IMAGE describes a type of media used to display the HTML document,

a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency,

multiple anchors having a same title,

image tags that perform a role of punctuation for text in the HTML document, and

multiple text blocks having a same description;

defining any block in the HTML document that is deemed to be meaningless as an OBJECT_DELIMITER, wherein a block is deemed to be meaningless if that block contains only said unnecessary information elements; and

crawling only anchors found in blocks that have not been defined as OBJECT_DELIMITERs.

22. The computer-readable medium of claim 21, wherein the maximum predetermined length is 12 bytes.

23. The computer-readable medium of claim 21, wherein the predetermined frequency is ten times.

24. A method comprising:

dividing an HTML document into blocks;

identifying unnecessary information elements in the HTML document, wherein the unnecessary information elements include:

a block of text in the HTML document that is shorter than a maximum predetermined length, and wherein the block of text appears in the HTML document more than a predetermined frequency,

multiple anchors having a same title,

image tags that only perform a role of punctuation for text in the HTML document, and

multiple text blocks having a same description;

defining any block in the HTML document that is deemed to be meaningless, wherein a block is deemed to be meaningless if that block contains only the unnecessary information elements and at least one anchor; and

crawling only anchors found in blocks that have not been deemed meaningless due to containing only the unnecessary information elements.

EVIDENCE APPENDIX

Other than the Office Action(s) and reply(ies) already of record, no additional evidence has been entered by Appellants or the Examiner in the above-identified application which is relevant to this appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings as described by 37 C.F.R. §41.37(c)(1)(x) known to Appellants, Appellants' legal representative, or assignee.